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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 ROBERT DEVON BARBER,

11 Defendant.

2:21-CR-275-RFB-NJK

Preliminary Order of Forfeiture

12 This Court finds Robert Devon Barber pled guilty to Count One of a One-Count
13 Criminal Information charging him with conspiracy to effect illegal transaction with access
14 devices in violation of 18 U.S.C. § 1029(a)(5) and 1029(b)(2). Criminal Information, ECF
15 No. 45; Arraignment & Plea, ECF No. 47; Plea Agreement, ECF No. 49.

16 This Court finds Robert Devon Barber agreed to the forfeiture of the property set
17 forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information.
18 Criminal Information, ECF No. 45; Arraignment & Plea, ECF No. 47; Plea Agreement,
19 ECF No. 49.

20 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United
21 States of America has shown the requisite nexus between property set forth in the Plea
22 Agreement and the Forfeiture Allegation of the Criminal Information and the offense to
23 which Robert Devon Barber pled guilty.

24 The following property is (1) any property, real or personal, which constitutes or is
25 derived from proceeds traceable to a violation of 18 U.S.C. § 1029(a)(5), or 18 U.S.C. §
26 1029(b)(2), conspiracy to commit such offense; (2) any property, real or personal, which
27 constitutes or is derived from proceeds traceable to a violation of 18 U.S.C. § 1029(a)(5), a
28 specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or 18

1 U.S.C. § 1029(b)(2), conspiracy to commit such offense; (3) any property constituting, or
2 derived from, proceeds obtained directly or indirectly, as the result of violations of 18
3 U.S.C. § 1029(a)(5), or 18 U.S.C. § 1029(b)(2), conspiracy to violate such offense; and (4)
4 any personal property used or intended to be used to commit the violations of 18 U.S.C. §
5 1029(a)(5) and 1029(b)(2) and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C)
6 with 28 U.S.C. § 2461(c); 18 U.S.C. § 982(a)(2)(B); and 18 U.S.C. § 1029(c)(1)(C) and
7 1029(c)(2):

- 8 1. \$11,880 in United States Currency;
- 9 2. a debit card with the last four digits of the account number being 5215
10 issued in the name of M.F.;
- 11 3. a debit card with the last four digits of the account number being 8247
12 issued in the name of D.C.;
- 13 4. a debit card with the last four digits of the account number being 5640
14 issued in the name of K.H.;
- 15 5. a debit card with the last four digits of the account number being 7862
16 issued in the name of M.Ma.;
- 17 6. a debit card with the last four digits of the account number being 8878
18 issued in the name of M.Me.;
- 19 7. a debit card with the last four digits of the account number being 9698
20 issued in the name of K.B.;
- 21 8. a debit card with the last four digits of the account number being 9723
22 issued in the name of A.L.;
- 23 9. a debit card with the last four digits of the account number being 8430
24 issued in the name of M.G.;
- 25 10. a debit card with the last four digits of the account number being 7604
26 issued in the name of N.C.;
- 27 11. a debit card with the last four digits of the account number being 6821
28 issued in the name of J.A.;

1 12. a debit card with the last four digits of the account number being 1612
2 issued in the name of K.J.; and

3 13. a debit card with the last four digits of the account number being 2411
4 issued in the name of G.S.

5 (all of which constitutes property).

6 This Court finds that on the government's motion, the Court may at any time enter
7 an order of forfeiture or amend an existing order of forfeiture to include subsequently
8 located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and
9 32.2(b)(2)(C).

10 This Court finds the United States of America is now entitled to, and should, reduce
11 the aforementioned property to the possession of the United States of America.

12 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
13 DECREED that the United States of America should seize the aforementioned property.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
15 rights, ownership rights, and all rights, titles, and interests of Robert Devon Barber in the
16 aforementioned property are forfeited and are vested in the United States of America and
17 shall be safely held by the United States of America until further order of the Court.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
19 of America shall publish for at least thirty (30) consecutive days on the official internet
20 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
21 describe the forfeited property, state the time under the applicable statute when a petition
22 contesting the forfeiture must be filed, and state the name and contact information for the
23 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
24 and 21 U.S.C. § 853(n)(2).

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
26 or entity who claims an interest in the aforementioned property must file a petition for a
27 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
28 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §

853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property and any additional facts supporting the petitioner's petition and the relief sought.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days after the first day of the publication on the official internet government forfeiture site, www.forfeiture.gov.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the following address at the time of filing:

Daniel D. Hollingsworth
Assistant United States Attorney
James A. Blum
Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency following publication of notice of seizure and intent to administratively forfeit the above-described property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies of this Order to all counsel of record.

DATED November 9, 2021.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE